

Office relating to the Electronic File Wrapper prototype program.
No new matter was added within the meaning of 35 U.S.C. §132.

REMARKS

Claims 1-11 are currently pending in the present application.
In view of the following remarks and claim amendments, Applicants request that the Examiner withdraw all objections and claim rejections and allow all claims pending in the application.

1. Objection to the Reissue Oath

The Examiner has objected to the reissue oath because it does not claim foreign priority. At the request of the Examiner, Applicants submit herewith Appendix B, an application data sheet making the foreign priority claim in order to correct the defective oath.

Accordingly, Applicants respectfully request the Examiner withdraw the outstanding objection related to the reissue oath.

2. Rejection of Claims 1-11 under 35 U.S.C. §112, first paragraph and 35 U.S.C. §251

The Examiner has rejected claims 1-11 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at

the time the application was filed, had possession of the claimed invention. Further, claims 1-11 were rejected under 35 U.S.C. §251 as being based upon new matter added to the patent for which reissue is sought. As these rejections are related, Applicants will address the rejections together. The Official Action states:

This is a new matter rejection. Applicant has argued that there is implicit basis in the examples for amending the claims to reverse the claimed ratios of i:ii:iii. The examiner disagrees. There is an obvious error, inasmuch as the data are not commensurate in scope with the original claims. However, in order to have basis for correcting an obvious error, it must be obvious what the correct recitation should be, and applicant's specification does not meet this criterion. Faced with numerous recitations of i:ii:iii, and data which are not commensurate in scope, it would appear to the uninitiated that applicant has simply supplied incommensurate data, as often happens, rather than that these multiple recitations should all read iii:ii:i.

3. Claims 1-11 are rejected under 35 U.S.C. §251 as being based upon new matter added to the patent for which reissue is sought. The added material which is not supported by the prior patent is as follows: Applicant seeks to amend the claims to reverse the claimed ratios of i:ii:iii. This lacks basis in the patent for the reasons outlined in the previous paragraph.

Applicants respectfully traverse these rejections. The Examiner asserts that in order to have basis for correcting an obvious error, it must be obvious what the correct recitation should be. The Examiner's statement implies that since the correction to the error is not obvious, grounds for reissue do not exist and the error cannot be corrected.

Applicants respectfully assert that the correction of an error through reissue does not require that the correction be obvious. "A reissue application is filed to correct an error in the patent which was made without any deceptive intention, where, as a result of the error, the patent is deemed wholly or partly inoperative or invalid. An error in the patent arises out of an error in conduct which was made in the preparation and/or prosecution of the application which became the patent." MPEP 1402. Thus, the question of whether the error and its correction are obvious is irrelevant. In the present reissue application, an error was made without deceptive intent in the preparation of the application. Specifically, the ratios of mono-, di- and triglycerides were erroneously reversed. This error is eligible for correction through reissue whether the correction is obvious or not.

Turning first to the Examiner's rejection of claims 1-11 under 35 U.S.C. §112, first paragraph, ample evidence exists in the original application showing that Applicant's had possession of the invention as represented by the amended claims. As stated above, in the underlying patent, the ratios of mono-, di- and triglycerides were erroneously reversed and Applicants seek to correct these errors through amendment of the claims and specification.

Basis for the amendments can be found in the examples provided

in Table I which is entitled, "Examples according to the present invention." Table I is found in column 6, lines 12-49. For each of the examples indicated in Table I, the amount of mono-, di- and triester is indicated. These amounts result from the ratio of adducts used, for example triglyceride and glycerine in Example A. It thus becomes immediately evident that the present application refers to a composition containing a high amount of monoglyceride (compound (iii)) and a low amount of triglycerides (compound (i)). This is in contrast to the erroneously reversed ratios that Applicants wish to correct through reissue which requires a high amount of triglycerides and a low amount of monoglyceride.

From the paragraph beneath Table II on column 7, lines 25-35 it further becomes evident that the lower range refers to the tri-ester content ("when the tri-ester content is lower than 1..."). The examples in Table I and II do not support the erroneously reversed i:ii:iii listed in the patent. However, the **Table I and II examples clearly support the correct ratio of iii:ii:i**. Thus, the amendments to the specification and claims are clearly supported in the application as originally filed because the data presented in the original application clearly supports the amended specification and claims.

In addition, the European patent application referenced in the original application, EP 0 586 323 B1, refers to a composition

containing a high amount of monoglyceride (compound (iii)) and a low amount of triglyceride (compound (i)) just as the reissue application as amended. This is additional support for the amendments to the claims and specification.

In a parallel proceeding before the European Patent Office to correct the order of the ratio in the corresponding European patent, a competent examining authority found that it was obvious that an error occurred and immediately evident that nothing else would have been intended but the corrected ratio order. The EPO stated that the correction was obvious considering the examples given in Tables I and II and the subsequent discussion of the results. To refuse Applicants request for correction of an error will harm Applicant's interests through the unequal treatment of equivalent patent applications by two presumably equivalent agencies. The correction and EPO communication are attached as Appendix C.

Applicants assert that ample evidence exists that Applicants had possession of the invention at the time the original application was filed. The evidence exists in the consistency of the amended claims with the reference discussed in the original application (column 1, lines 19-58), the data contained in Tables I and II (column 6, line 12 to column 7, line 25) and subsequent discussion of the results (column 4, line 33 to column 10, line

62).

Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of claims 1-11 under 35 U.S.C. §112, first paragraph.

Next, Applicants respectfully traverse the Examiner rejection of claims 1-11 under 35 U.S.C. §251. The Examiner states that Applicant's amendment of the claims to reverse the claimed ratio lacks basis in the underlying patent and refers to reasons outlined the rejection of claims 1-11 under 35 U.S.C. §112, first paragraph.

With respect to the Examiner's assertion that the correction of the error must be obvious, Applicants again respectfully assert that the correction of an error through reissue application does not require that the correction be obvious. "A reissue application is filed to correct an error in the patent which was made without any deceptive intention, where, as a result of the error, the patent is deemed wholly or partly inoperative or invalid. An error in the patent arises out of an error in conduct which was made in the preparation and/or prosecution of the application which became the patent." MPEP 1402, 35 U.S.C. §251. Accordingly, the question of whether the error or its corrections are obvious is irrelevant in determining whether new matter is being introduced.

The amendments to the claims and specification are fully supported by the application as originally filed and do not

represent new matter under 35 U.S.C. §251. As Applicant asserts above, basis exists for the claim and specification amendments in the reference example presented in the application (col. 1, lines 19-58), data presented in Tables I and II (column 6, line 12 to column 7, line 25), as well as the discussion of the data from Tables I and II (column 4, line 33 to column 10, line 62). Further, these bases for claim and specification amendments were contained in the application as originally filed. Thus, ample evidence shows that the amendments to a composition containing a high amount of monoglyceride (compound (iii)) and a low amount of triglyceride (compound (i)) is fully supported in the application as originally filed and does not represent new matter.

Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of claims 1-11 under 35 U.S.C. §251.

3. Rejection of Claims 1 and 3 under 35 U.S.C. §102(b)

The Examiner has rejected claims 1 and 3 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,665,689 to Durbut. The Official Action states:

A col. 8, lines 14+, the reference discloses a composition comprising fully esterified and partially esterified polyhydric alcohol which is ethoxylated or propoxylated prior to esterification. The alcohol is glycerol. The R groups of the ester are alkyl groups of 6 to 22 carbons, more preferably 11-15 carbons. The

monoester/diester/triester ratio is most preferably 50-90/9-32-1-12, and the degree of ethoxylation is most preferably 4 to 19. Making such a composition according to the most preferably teachings anticipates the claim when the degree of alkoxylation equals 4.

Applicants have amended claim 1 such that the degree of ethoxylation is less than 2. Applicants note that the sum total of alkylene oxide units disclosed by the Durbut reference is 2-100, preferably 4 to 24, most preferably 4 to 19. Thus, each and every element as set forth in the amended claims is not found, either expressly or inherently described, in the Durbut reference. Thus, the claim 1 and claim 3 which depends therefrom are not anticipated by the U.S. Patent No. 5,665,689 to Durbut.

Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of claims 1 and 3 under 35 U.S.C. §102(b).

4. Rejection of Claims 1-3 under 35 U.S.C. §103(a)

The Examiner has rejected claims 1-3 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,665,689 to Durbut. The Official Action states:

Claims 1-3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Durbut, US 5,665,689. The reference is summarized above. The mono/di/tri ratio in claim 2 is not disclosed with enough precision to constitute anticipation. However it would have been obvious at the time of invention was made to make a composition with the mono/di/tri ration of claim 2, because the recited ratio

falls squarely within what is taught in the reference.
Claims 1 and 3 are obvious because they are anticipated.

Applicants have amended claim 1 such that the degree of ethoxylation is less than 2. Applicants note that the sum total of alkylene oxide units disclosed by the Durbut reference is 2-100, preferably 4 to 24, most preferably 4 to 19. Thus, the Durbut reference does not teach or suggest Applicants' inventive subject matter as a whole as recited in the amended claims. Further, Examples A, A', B and D of Table I of the present specification clearly show that using a ethoxylation degree of smaller than 2 produces higher viscosity and thus improved product properties were obtained. This effect was not obvious to one skilled in the art at the time of the present invention. Thus, claim 1 and claims 2-3, which depend therefrom are not obvious in view of U.S. Patent No. 5,665,689 to Durbut.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 1 and 3 under 35 U.S.C. §103(a).

CONCLUSION

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the prior art of record. Further, the claim and specification amendments made in are fully supported by the specification as originally filed and do not represent new matter. The Examiner is respectfully requested to enter the above claim amendments and allow this case to proceed to grant. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

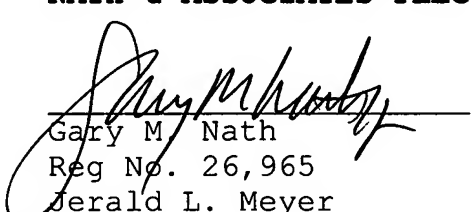
The Examiner is welcomed to telephone the undersigned attorney if he has any questions or comments.

Date: May 7, 2003

Respectfully submitted,
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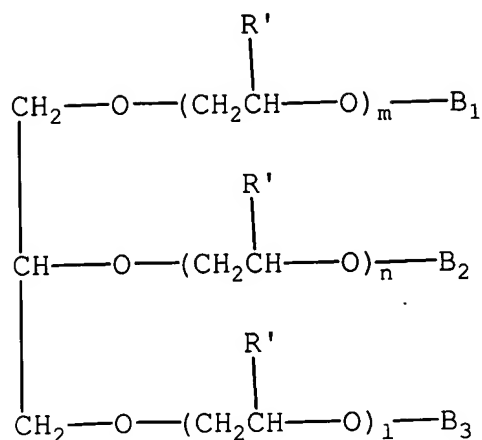
Appendix A

Please amend the following claims as indicated in the following marked up copy of the claims.

1. (Currently amended) Composition comprising
- (i) compounds represented by the following formula (I), wherein each of B1, B2 and B3 independently represent a group represented by the following formula (II);
 - (ii) compounds represented by the following formula (I), wherein two of B1, B2 and B3 independently represent a group represented by the following formula (II), the remainder representing H;
 - (iii) compounds represented by the following formula (I), wherein one of B1, B2 and B3 represents a group represented by the following formula (II); the remainder representing H;
 - (iv) compounds represented by the following formula (I), wherein each of B1, B2 and B3 represent H;
- the weight ratio of the compounds (iii)/(ii)/(i) being 46 to 90/9 to 35/1 to 15:

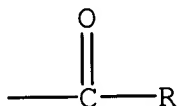
Formula (I):

do not enter



R' representing H or CH₃, and each of m, n, and l independently representing a number from 0 to 4 1, the sum of m, n and l ~~being in the range of 1 to 4~~ in formula (I) is smaller than 2;

Formula (II):



wherein R represents an alkyl or alkenyl group having 6 to 22 carbon atoms.

2. (Previously Amended) Composition according to claim 1, wherein the weight ratio of the compounds (iii)/(ii)/(i) is 60 to 83/16 to 35/1 to 6.

3. (Original) Composition according to claim 1, wherein R' in formula (I) represents H.

4. (Original) Composition according to claim 1, wherein the sum of m, n and l in formula (I) is in the range of 1.5 to

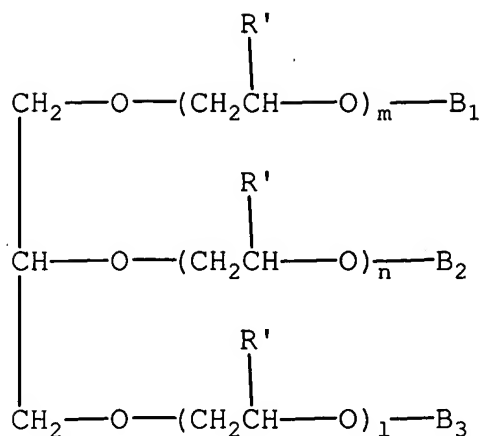
3.0.

5. (Previously Amended) Composition comprising

- (i) compounds represented by the following formula (I),
wherein each of B1, B2 and B3 independently
represent a group represented by the following
formula (II);
- (ii) compounds represented by the following formula (I),
wherein two of B1, B2 and B3 independently represent
a group represented by the following formula (II),
the remainder representing H;
- (iii) compounds represented by the following formula (I),
wherein one of B1, B2 and B3 represents a group
represented by the following formula (II); the
remainder representing H;
- (iv) compounds represented by the following formula (I),
wherein each of B1, B2 and B3 represent H;

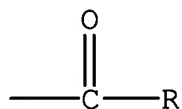
the weight ratio of the compounds (iii)/(ii)/(i) being 60
to 83/16 to 35/1 to 6:

Formula (I):



R' representing H, and each of m, n, and l independently representing a number from 0 to 4, the sum of m, n and l being in the range of 1.5 to 3.0;

Formula (II):



wherein R represents an alkyl or alkenyl group having 6 to 22 carbon atoms.

6. (Original) Composition according to claim 5, wherein the sum of m, n and l in formula (I) is smaller than 2.

7. (Original) Composition according to claim 5, wherein the weight ratio (i)+(ii)+(iii)/(iv) is in the range of 85/15 to 40/60.

8. (Previously Amended) Method for the preparation of a composition comprising

- (i) compounds represented by the following formula (I), wherein each of B₁, B₂ and B₃ independently

represent a group represented by the following formula (II);

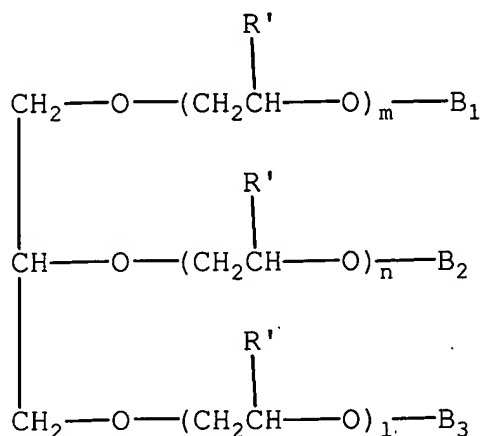
(ii) compounds represented by the following formula (I), wherein two of B1, B2 and B3 independently represent a group represented by the following formula (II), the remainder representing H;

(iii) compounds represented by the following formula (I), wherein one of B1, B2 and B3 represents a group represented by the following formula (II); the remainder representing H;

(iv) compounds represented by the following formula (I), wherein each of B1, B2 and B3 represent H;

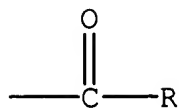
the weight ratio of the compounds (iii)/(ii)/(i) being 46 to 90/9 to 35/1 to 15:

Formula (I):



R' representing H or CH₃, and each of m, n, and l independently representing a number from 0 to 4, the sum of m, n and l being in the range of 1 to 4;

Formula (II):

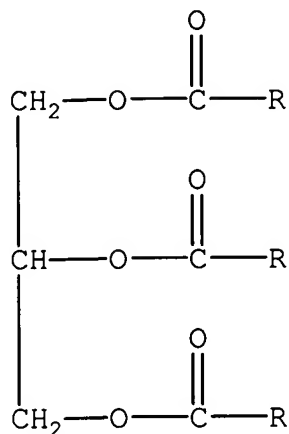


wherein R represents an alkyl or alkenyl group having 6 to 22 carbon atoms;

the method comprising the following steps:

- a) subjecting a mixture of glycerine and a compound of the following formula (III) to an interestification reaction:

(III)



wherein R represents an alkyl or alkenyl group having 6 to 22 carbon atoms, and

- b) subjecting the reaction mixture obtained in step a) to an alkoxylation using an alkylene oxide having 2 or 3 carbon atoms in the presence of an alkaline catalyst.

9. (Previously Amended) Method for the preparation of a composition comprising

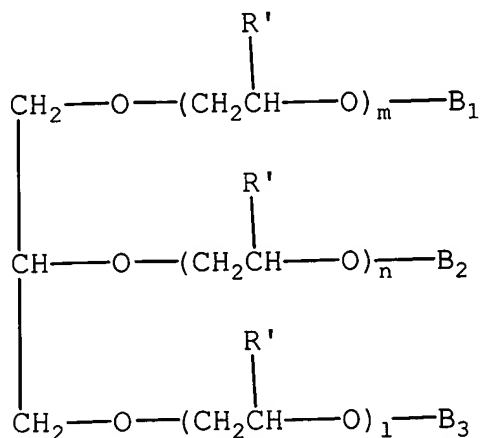
- (i) compounds represented by the following formula (I), wherein each of B1, B2 and B3 independently represent a group represented by the following

formula (II);

- (ii) compounds represented by the following formula (I), wherein two of B₁, B₂ and B₃ independently represent a group represented by the following formula (II), the remainder representing H;
- (iii) compounds represented by the following formula (I), wherein one of B₁, B₂ and B₃ represents a group represented by the following formula (II); the remainder representing H;
- (iv) compounds represented by the following formula (I), wherein each of B₁, B₂ and B₃ represent H;

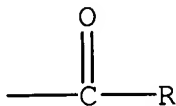
the weight ratio of the compounds (iii)/(ii)/(i) being 46 to 90/9 to 35/1 to 15:

Formula (I):



R' representing H or CH₃, and each of m, n, and l independently representing a number from 0 to 4, the sum of m, n and l being in the range of 1 to 4;

Formula (II):

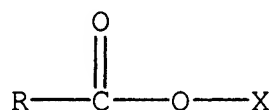


wherein R represents an alkyl or alkenyl group having 6 to 22 carbon atoms;

the method comprising the following steps:

- a') reacting a mixture of glycerine and alkylene oxide having 2 or 3 carbon atoms in the presence of an alkaline catalyst, and
- b') reacting the reaction mixture obtained in step a') with a compound of the following formula (IV):

(IV)



wherein R represents an alkyl or alkenyl group having 6 to 22 carbon atoms, and X represents a methyl group or H.

10. (Previously Amended) Detergent composition containing a composition comprising the following compounds (i) to (iv) in an amount of 0.5 to 20 wt.-%.

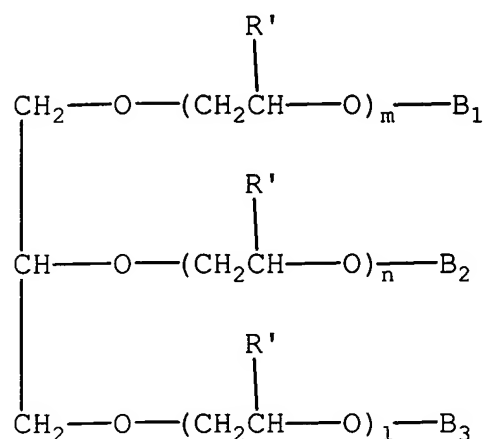
- (i) compounds represented by the following formula (I), wherein each of B1, B2 and B3 independently represent a group represented by the following formula (II);
- (ii) compounds represented by the following formula (I), wherein two of B1, B2 and B3 independently represent a group represented by the following formula (II), the remainder representing H;
- (iii) compounds represented by the following formula (I),

wherein one of B1, B2 and B3 represents a group represented by the following formula (II); the remainder representing H;

(iv) compounds represented by the following formula (I), wherein each of B1, B2 and B3 represent H;

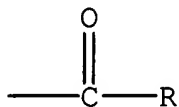
the weight ratio of the compounds (iii)/(ii)/(i) being 46 to 90/9 to 35/1 to 15:

Formula (I):



R' representing H or CH₃, and each of m, n, and l independently representing a number from 0 to 4, the sum of m, n and l being in the range of 1 to 4;

Formula (II):



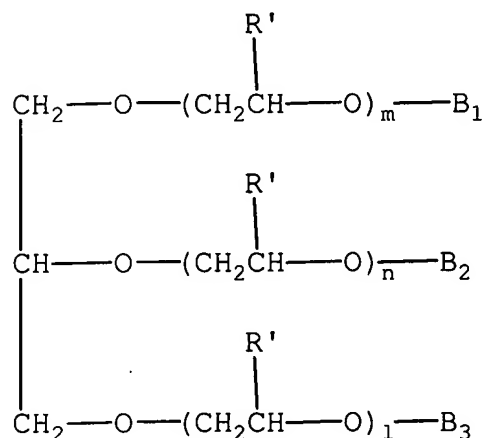
wherein R represents an alkyl or alkenyl group having 6 to 22 carbon atoms.

11. (Previously Amended) Detergent composition containing a composition comprising the following compounds (i) to (iv) in an amount of 1 to 8 wt.-%.

- (i) compounds represented by the following formula (I), wherein each of B1, B2 and B3 independently represent a group represented by the following formula (II);
- (ii) compounds represented by the following formula (I), wherein two of B1, B2 and B3 independently represent a group represented by the following formula (II), the remainder representing H;
- (iii) compounds represented by the following formula (I), wherein one of B1, B2 and B3 represents a group represented by the following formula (II); the remainder representing H;
- (iv) compounds represented by the following formula (I), wherein each of B1, B2 and B3 represent H;

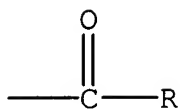
the weight ratio of the compounds (iii)/(ii)/(i) being 60 to 83/16 to 35/1 to 6:

Formula (I):



R' representing H, and each of m, n, and l independently representing a number from 1 to 4, the sum of m, n and l being in the range of 1.5 to 3.0;

Formula (II):



wherein R represents an alkyl or alkenyl group having 6 to 22 carbon atoms.

Appendix B

APPLICATION DATA SHEET

Application Information

Application Type:: Regular
Subject Matter:: Utility
Suggested Classification:: 510/506
Suggested Group Art Unit:: 1751
CD-ROM or CD-R? None
Title:: COMPOSITION COMPRISING A MIXTURE OF
ALKOXYLATED MONO-, DI-, AND
TRIGLYCERIDES AND GLYCERINE
Attorney Docket Number:: 24200
Request for Early Publication?:: No
Request for Non-Publication?:: No
Suggest Drawing Figure:: 0
Total Drawing Sheets:: 0
Small Entity:: No
Petition included?:: No
Petition Type:: No
Secrecy Order in Parent Appl.?:: No

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Representative Information

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Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::

Foreign Priority Information

Country::	Application number::	Filing Date::	Priority Claimed::
EPO	99 106 233	04/13/99	Yes

Assignee Information

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Appendix C

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#81

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European Patent Office

80298 Munich

Munich, November 27, 2001

Our Ref.: 77 477 n2/sn
European Patent Application No. 99 106 233.2-2108
KAO CORPORATION, S.A.

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Correction under Rule 88 EPC

Corrected pages 3, 20, and 21 are submitted herewith. On each of these pages the expression "(i)/(ii)/(iii)" was replaced by "(iii)/(ii)/(i)".

In this respect, reference is made to the examples provided in Table I on page 10. For each of the examples indicated in said Table, the amount of mono-, di- and tri-ester is indicated. These amounts result from the ratio of adducts used, for example triglyceride and glycerine in Example A. It thus becomes immediately evident that the present application refers to a composition containing a high amount of monoglyceride (compound (iii)) and a low amount of triglycerides (compound (i)). From the paragraph beneath Table II on page 11 it further becomes evident that the lower range refers to the tri-ester content ("when the tri-ester content is lower than 1 ..."). Hence, a skilled person reading the present application was immediately aware that the weight ratio "(i)/(ii)/(iii)" was erroneous and he could immediately establish that said weight ratio should read "(iii)/(ii)/(i)" being 46-90/9-35/1-15.

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Encl.

Amended pages 3, 20, 21, 3-fold.

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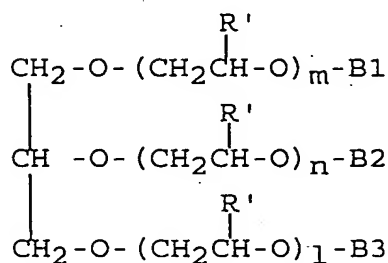
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(iii) compounds represented by the following formula (I), wherein one of B1, B2 and B3 represents a group represented by the following formula (II); the remainder representing H;

(iv) compounds represented by the following formula (I), wherein each of B1, B2 and B3 represent H;

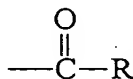
the weight ratio of the compounds (iii) / (ii) / (i) being 46 to 90 / 9 to 35 / 1 to 15:

Formula (I)



R' representing H or CH₃, and each of m, n, and 1 independently representing a number from 0 to 4, the sum of m, n and 1 being in the range of 1 to 4;

Formula (II):



wherein R represents an alkyl or alkenyl group having 6 to 22 carbon atoms.

The weight ratio of the compounds (iii) / (ii) / (i) in the composition of the present invention is preferably 60 to 83 / 16 to 35 / 1 to 6.

Particularly preferred are compounds of formula (I) wherein R' in formula (I) represents H, that is, the compounds are ethoxylated derivatives.

Claims:

1. Composition comprising

(i) compounds represented by the following formula (I), wherein each of B1, B2 and B3 independently represent a group represented by the following formula (II);

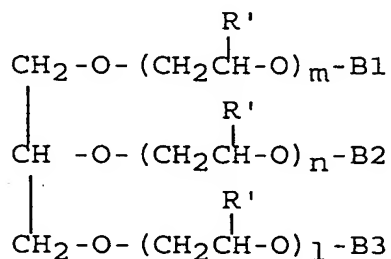
(ii) compounds represented by the following formula (I), wherein two of B1, B2 and B3 independently represent a group represented by the following formula (II), the remainder representing H;

(iii) compounds represented by the following formula (I), wherein one of B1, B2 and B3 represents a group represented by the following formula (II); the remainder representing H;

(iv) compounds represented by the following formula (I), wherein each of B1, B2 and B3 represent H;

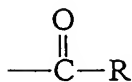
the weight ratio of the compounds (iii) / (ii) / (i) being 46 to 90 / 9 to 35 / 1 to 15:

Formula (I):



R' representing H or CH₃, and each of m, n, and l independently representing a number from 0 to 4, the sum of m, n and l being in the range of 1 to 4;

Formula (II):



wherein R represents an alkyl or alkenyl group having 6 to 22 carbon atoms.

2. Composition according to claim 1, wherein the weight ratio of the compounds (iii) / (ii) / (i) is 60 to 83 / 16 to 35 / 1 to 6.

3. Composition according to any of the preceding claims, wherein R' in formula (I) represents H.

4. Composition according to any of the preceding claims, wherein the sum of m, n and l in formula (I) is in the range of 1.5 to 3.0.

5. Composition according to claim 4, wherein the sum of m, n and l in formula (I) is smaller than 2.

6. Composition according to any of the preceding claims, wherein the weight ratio (i)+(ii)+(iii) / (iv) is in the range of 85/15 to 40/60.

7. Method for the preparation of a composition according to any of the preceding claims comprising the following steps:

a) Subjecting a mixture of glycerine and a compound of the following formula (III) to an interesterification reaction:



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Application No. 99 106 233.2-1221	Ref. 77 477 a/fi	Date 10.01.2002
Applicant KAO CORPORATION, S.A.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

Amendments to the description, claims and drawings are to be filed where appropriate within the said period in three copies on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



SAUNDERS T
Primary Examiner
for the Examining Division

Enclosure(s): 2 page/s reasons (Form 2906)

Datum
Date
Date 10.01.2002Blatt
Sheet
Feuille 1Anmelde-Nr.:
Application No.: 99 106 233.2
Demande n°:

The examination is being carried out on the following application documents:

Text for the Contracting States:

AT BE CH LI DE DK ES FR GB GR IT NL PT SE

Description, pages:

1,2,4-19	as originally filed		
3	as received on	27.11.2001	with letter of 27.11.2001

Claims, No.:

2-11	as originally filed		
1	as received on	27.11.2001	with letter of 27.11.2001

1. The following document D1 is referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1 = EP-A-586323 ✓

2. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of claims 1 and 4 are not new in the sense of Article 54(1) and (2) EPC.

Claim 1 of D1 discloses detergent compositions containing a mixture of compounds (I)-(III) in which the mono/di/triester weight ratio is 46-90/9-30/1-15, where the total degree of alkoxylation ($m + n + l$) in each compound is equal to 2-100. Thus the value of 2 is explicitly disclosed, which is within the range of 1-4 disclosed in the present application, and the subject-matter of claims 1 and 4 is not novel ; Article 54 EPC.

3. Dependent claim 2 does not appear to contain any additional features which, in combination with the features of any claim to which it refers, meet the requirements of

Datum
Date
Date 10.01.2002Blatt
Sheet
Feuille 2Anmelde-Nr.:
Application No.:
Demande n°: 99 106 233.2

the EPC with respect to novelty and inventive step, since it is not apparent from the examples that this selected range will give any additional benefit.

Referential Example 1 of D1 discloses compounds of formula (I)-(III) where R' is H. Page 3, line 46 of D1 discloses that the weight ratio of esterified to non-esterified compounds is 3 to 0.33. The preparation methods according to claims 7 and 8 are disclosed in Referential Examples 1 & 2 of D1. Page 4, lines 4-5 of D1 disclose that the mixture of compounds (I)-(IV) are preferably present in an amount of 3-20 % by weight with respect to the whole of the detergent composition.

The subject-matter of claims 2, 3 and 6-11 is therefore not inventive ; Article 56 EPC.

4. It would seem that the feature of claim 5 is not suggested in D1.

5. The corrections requested in the letter dated 27.11.01 appear to be allowable according to Rule 88 EPC and Article 123(2) EPC, since following any consideration of the examples given in Tables I and II, and the subsequent discussion of the results given on page 11, it is obvious that an error has occurred and immediately evident that nothing else would have been intended.